



Interview Summary: National Capital Commission

Background

The National Capital Commission (the “**NCC**”)¹ is a Crown corporation that is overseen by the Minister of Public Services and Procurement Canada (“**PSPC**”).² [In January and February 2022, the Minister of PSPC was Minister Filomena Tassi.] NCC is the main federal urban planner and the largest landowner in the National Capital Region. The NCC notably owns and manages various parks, scenic parkways, and official governmental residences.

Mr. Tobi Nussbaum is the Chief Executive Officer of the NCC. His role is one of overall direction and oversight. He was briefed on all matters of importance relating to the NCC during the period of the protests.

Ms. Anne Ménard is the Vice President of the Capital Stewardship Branch³ of the NCC. All operations related to the protests fell within her branch.

Mr. Patrick Laliberté is the NCC’s Director of Urban Lands and Greenbelt, a department within the Capital Stewardship Branch.

Mr. Ian Grabina is the Land Manager at the NCC and reports to Mr. Laliberté. His role is to coordinate internal and external resources. The majority of events that occurred during the protests fell within the portfolio that he manages.

Mr. Mathieu Brisson is the Senior Manager, Operations and Lifecycle at the NCC and reports to Mr. Laliberté. His main role during the protests was liaising with contractors. He was also on site at Confederation Park on Saturday February 5, 2022, and on Sunday February 6, 2022, when Confederation Park and Lawrence Freiman Lane were cleared by the Ottawa Police Service (the “**OPS**”).⁴

The witnesses were interviewed in a panel format by Shantona Chaudhury, Eric Brousseau, and Sajeda Hedaraly on August 22, 2022. Questions regarding this summary should be addressed to Sajeda Hedaraly. This summary should be read in conjunction with NCC’s Institutional Report.

¹ In French: Commission de la capitale nationale (“**CCN**”).

² In French: Ministère des Services publics et Approvisionnement Canada (“**SPAC**”).

³ In French: Direction de l’intendance de la capitale.

⁴ In French: Service de police d’Ottawa (“**SPO**”).



Text contained in square brackets are explanatory notes provided by Commission Counsel to assist the reader.

Jurisdiction

Mr. Laliberté explained that several jurisdictions are involved on NCC lands. NCC conservation officers had a very limited mandate at the time of the events; they were primarily mandated to carry out observation and surveillance. Conservation officers contact other police agencies as required, including the OPS for criminal matters.

Ms. Ménard explained that a memorandum of understanding (“**MOU**”) between the Royal Canadian Mounted Police (the “**RCMP**”)⁵ and the NCC regarding the appointment of NCC conservation officers as peace officers enables them to enforce some NCC regulations. Mr. Nussbaum and Mr. Brisson added that the RCMP essentially provides traffic enforcement, while the MOU delegates authority to enforce some laws to NCC conservation officers. Conservation officers must undertake specialized training approved by the RCMP.

NCC’s Relationships with Other Actors During the Protests

Representation at the Regional Level

The NCC was not represented at the National Capital Region Command Centre (the “**NCRCC**”)⁶. However, PSPC integrated the NCC into its Departmental Emergency Operations Centre (the “**DEOC**”)⁷. A DEOC representative attended NCRCC meetings and could report relevant information to the DEOC. The DEOC met once or twice a day for the duration of the protests.

Relationship with PSPC

Mr. Nussbaum has biweekly meetings with the Deputy Minister of PSPC. Mr. Laliberté explained that the NCC also performs maintenance work for PSPC as “the capital’s gardeners.”

During the protests, the NCC and PSPC coordinated their actions in the protection of federal land, as they are both federal landowners in the National Capital Region. For example, they coordinated their fencing activities. The DEOC was one of the places where these coordination discussions could take place.

⁵ In French: Gendarmerie royale du Canada (“**GRC**”).

⁶ In French: Centre de commandement de la région de la capitale nationale (“**CCRCN**”).

⁷ In French: Centre des opérations d’urgence du Ministère (“**COUM**”).



Relationship with OPS

Mr. Laliberté stated that the NCC worked with the City of Ottawa and the OPS during the protests. The NCC has very limited means of intervening independently but offered its equipment and expertise to others involved. It notably shared information obtained with its federal partners and police services.

Relationship with the RCMP

The NCC reached out to the RCMP to obtain assistance during the protests. As further discussed below, the issues for which the NCC contacted the RCMP eventually ended up being resolved through the NCRCC.

The NCC also received requests from the RCMP, for example regarding road closures. The OPS had the lead in dealing with protest activities on NCC land but the RCMP was involved in the NCRCC. On one occasion, the NCC received requests about the same issue from both the OPS and the RCMP.

Relationship with Other Police Services

The NCC did not interact with Parliamentary Protective Services, the Ontario Provincial Police, or the Sûreté du Québec. The NCC interacted with the Service de police de la Ville de Gatineau (the “**SPVG**”) when a parking lot in the Jacques-Cartier Park was used by some protesters.

Arrival of the Convoy

Mr. Laliberté explained that the information to which the NCC had access prior to the arrival of the Convoy came from several sources, including traditional media, social media, police services, and the NCC's federal partners. This information was variable and piecemeal, which made it very difficult to know the size of the Convoy prior to its arrival. In particular, there was no information available as to the exact number of vehicles heading toward Ottawa. The NCC worked with the information available and with its contractors to secure various locations.

According to Mr. Laliberté, prior to the Convoy's arrival, the NCC was expecting a police operation that included elements of crowd and traffic management. The NCC's mandate was to maintain and ensure the integrity of its assets. Ms. Ménard explained that conservation officers had been instructed to monitor the NCC's lands.

According to Mr. Grabina, no one had ever seen such a large protest with these types of vehicles. The NCC was operating on the basis of information from law enforcement that the protest would only last for the weekend. At some point during the weekend, however, it became clear that people would not leave. Mr. Laliberté added that the sites were becoming increasingly organized and that the number of protesters did not appear to be decreasing.



Mr. Grabina explained that following a request from OPS in advance of the protests, the NCC allowed the OPS to use Queen Elizabeth Driveway, Sir John A. Macdonald Parkway, and Sir Georges-Étienne Cartier Parkway as overflow for vehicles during the protests. The NCC was concerned about weight restrictions on some bridges connecting to Sir John A. Macdonald Parkway and Sir Georges-Étienne Cartier Parkway, and it was important that vehicles not be permitted to park on those bridges. The length of time that the protest vehicles remained in these areas was unexpected. Mr. Grabina noted that it was a priority for the NCC to have the vehicles removed from these areas, even if that may not have been a priority for law enforcement. Mr. Laliberté also discussed an OPS request to the NCC asking the NCC to intervene on one of these sites, whereas the NCC had previously made it clear that the OPS was responsible for managing the sites it was using. The confusion over jurisdictional issues improved over time.

NCC's Role during the Protests

On February 2, 2022, the NCC requested RCMP assistance to ensure the protection of federal sites.⁸ Ms. Ménard noted that, at the time, NCC's sites were notably being used by protesters to set up encampments and store dangerous goods. For example, NCC conservation officers did not have the authority to stop protesters from carrying gas cans through the Rideau Canal and required assistance from law enforcement agencies. The RCMP did not respond to the NCC's request⁹ but the issues raised by the NCC were eventually resolved through the NCRCC.

On February 3, 2022, the NCC was informed by the OPS that the protesters were constructing a wooden shack in Confederation Park and that they were stockpiling fuel. According to Mr. Grabina, the OPS suggested that the NCC send in a third-party fire inspector, which the NCC perceived as an instance where the OPS tried to push back some responsibility to the NCC. Mr. Laliberté added that the NCC was concerned about sending only a fire inspector because its officers were being intimidated by the protestors whenever they went on site.

Later that day, following a text message exchange regarding the situation at Confederation Park,¹⁰ Mr. Nussbaum discussed this issue with the Chief of the OPS, Peter Sloly. The wooden shack worried Mr. Nussbaum, as it indicated escalation, it symbolized permanence, and it violated NCC laws and regulations. The gas cannisters

⁸ Email from Anne Ménard to Ches Parsons, RCMP Commanding Officer, and Mitch Monette, RCMP Superintendent February 2, 2022, **PB.CAN.00000171**.

⁹ Email from Véronique de Passillé, Chief of Staff and Commission Secretary (NCC) to Lars Wessman, Senior Policy Advisor (PSPC), February 4, 2022, **PB.CAN.00000960**.

¹⁰ See text messages between Tobi Nussbaum and Peter Sloly, Chief of the OPS, February 3, 2022, **PB.CAN.00000175** and **PB.CAN.00000176**.



were worrisome because they were dangerous goods moved and stored haphazardly. Mr. Nussbaum therefore sought OPS' assistance in removing these items from the park. Mr. Nussbaum provided Mr. Laliberté's contact information to Chief Sloly, as Mr. Nussbaum understood from Chief Sloly that the OPS planned to initiate enforcement action at Confederation Park the next morning and that Mr. Laliberte would be on site.

On February 4, 2022, Mr. Laliberté was on site to work directly with the OPS. The NCC had planned for a private contractor to be on site to remove the shack after law enforcement had cleared the area. Around 10:00–11:00 a.m., the OPS requested a letter authorizing it to act as agent for the NCC. Mr. Nussbaum signed a letter addressed to the OPS in which he authorized the OPS to enforce all aspects of the *Trespass to Property Act* and to act as agent for the NCC.¹¹ Mr. Laliberté gave a copy of that letter to the police services that same day. The police services also contacted a representative of the Algonquin community to speak to the protestors. That meeting took place around 6:00 p.m. The OPS informed Mr. Laliberté that it was too late for any police action and to ask the NCC contractor that had been mobilized to remove the structures to leave the site.

On February 5, 2022, Mr. Nussbaum reached out to Chief Sloly to better understand when the OPS would begin enforcement actions. Chief Sloly did not give a window for enforcement action at that point. According to Mr. Nussbaum and Mr. Laliberté, even though operations in Confederation Park did not go as expected, the OPS kept the NCC well informed of developments. The collaboration between the parties was very close and well organized.

On February 6, 2022, Mr. Brisson was told by an OPS officer that they would take their time before making people leave. The NCC posted a notice asking all illegal activities to cease immediately.¹² Protesters cleared the area approximately six hours later. The protesters cleared the wooden shack themselves and most left by themselves. The NCC then cleaned and fenced the area. A few small vehicles were left in the park, which were towed by a towing company contacted by the OPS.

Following these events, the site remained barricaded. A conservation officer or security officer from a private agency (hired by the NCC in collaboration with the National Arts Council) was mandated to walk around the park periodically to ensure that there were no new encampments and to control access to Lawrence Freiman Lane.

¹¹ Letter from Tobi Nussbaum to Peter Sloly and Patricia K. Ferguson, Deputy Chief of the OPS, February 4, 2022, **PB.CAN.00000224**.

¹² Notice from Anne Ménard to all persons, February 6, 2022, **PB.CAN.00000256**.



On February 8, 2022, Mr. Grabina had a phone call with Sgt. Mark Nethercott from the OPS. The OPS wanted to understand the NCC's plan for the second week of the protests in order to properly plan OPS resources.¹³

On February 15, 2022, Chief Sloly resigned from the OPS. This resignation had little effect on the communications between the NCC and the OPS. At that point, the issue at Confederation Park had been resolved. The NCC's level of interaction with law enforcement diminished after Confederation Park was cleared, although it remained actively engaged with the OPS regarding other sites.

Invocation of the Emergencies Act

Several extraordinary measures were taken by the NCC during the protests, notably the use of jersey barriers at Bronson Park, the use of concrete planters, and the shutting down of Queen Elizabeth Driveway. [Jersey barriers are concrete barriers used to block the passage of vehicles.]

Following the invocation of the *Emergencies Act*, the NCC continued its monitoring operations. Mr. Laliberté noted that the closure of Confederation Park was a first in the NCC's history.

Given its mandate to build a dynamic capital, the NCC had an interest in the outcome of the protests beyond the clearing of its lands. NCC members were glad when the protests ended, as people could move about the capital more freely.

Concluding Thoughts

Mr. Nussbaum explained that the NCC is a large entity with negligible enforcement power. It therefore did not have the capacity to deal with the impact of the protests on its lands. The NCC views the aftermath of the protests as an opportunity to develop strategies to be better prepared for such events and to ensure that all parties involved have greater clarity on enforcement jurisdiction.

¹³ See email exchange between Ian Grabina and Mark Nethercott, February 7, 2022, **PB.CAN.00000936**.